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United States of America  
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9 IN THE UNITED STATES DISTRICT COURT  
10 EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,  
12  
13 Plaintiff,  
14 v.  
15 MARIO GONZALEZ,  
16 Defendant.

CASE NO. 2:20-CR-13-WBS

STIPULATION REGARDING EVIDENTIARY  
HEARING

DATE: February 2, 2021

TIME: 10:00 a.m.

COURT: Hon. William B. Shubb

17 **STIPULATION**

18 The Parties are to appear before the Court for a Motion to Suppress on February 2, 2021 at 10:00  
19 a.m.

20 In his Motion to Suppress, the defendant did not request an evidentiary hearing. However, in his  
21 Reply to the Government's Response to the Defendant's Motion to Suppress, the defendant requested an  
22 Evidentiary Hearing for a very narrow issue – to establish that Manteca Police Department Report  
23 Number MP19-32296 (Government's Exhibit A) would have been provided to Superior Court Judge  
24 Michael Coughlan in order for him to find probable cause to issue a Felony Arrest Warrant in San  
25 Joaquin County Superior Court Case Number CR-2019-0013398 (Government's Exhibit C).

26 The Government thereafter filed a Declaration of San Joaquin District Attorney's Office Clerical  
27 Supervisor of Support Staff Glenda Cardoza (Government's Exhibit F). The defendant agrees that the  
28 declaration correctly describes the procedures used by the San Joaquin County District Attorney's

Office, Judge Coughlan, and the San Joaquin County Superior Court. Given these standard procedures, the defendant agrees that there is a high degree of probability that Judge Coughlan reviewed this report (Government's Exhibit A) before issuing the warrant. The defendant also agrees that he has no evidence to rebut the inference that Judge Coughlan reviewed this report. The defendant agrees there are no contestable issues of material fact. Given the lack of factual dispute, the defendant withdraws his request for an evidentiary hearing.

Furthermore, Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous filing, the defendant requested an evidentiary hearing.
2. By this stipulation, the defendant now withdraws his request for an evidentiary hearing.
3. The parties both agree that there is no question of material fact at issue such that an evidentiary hearing would be necessary. *See, e.g.,* United States v. Howell, 231 F.3d 615, 620 (9th Cir. 2000) (holding that a hearing need not be held unless "the moving papers are sufficiently definite, specific, detailed, and nonconjectural to enable the court to conclude that the contested issues of [material] fact ... are in issue."). The motion hearing now only raises legal issues. *See United States v. Mejia*, 953 F.2d 461, 467 (9th Cir. 1991).

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4. Accordingly, the parties by this stipulation agree that no evidentiary hearing is necessary, and jointly request that the Court withdraw its Order for an Evidentiary Hearing. ECF No. 42.

IT IS SO STIPULATED.

Dated: January 25, 2021

McGREGOR W. SCOTT  
United States Attorney

/s/ MICHAEL W. REDDING  
MICHAEL W. REDDING  
Assistant United States Attorney


Dated: January 25, 2021

/s/ Douglas Beevers  
Douglas Beevers  
Counsel for Defendant  
MARIO GONZALEZ

**FINDINGS AND ORDER**

IT IS SO FOUND AND ORDERED.

Dated: January 27, 2021

  
WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE